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TRANSMITTAL FORM

(for all correspondence after initial filing)

Total number of pages in this submission =

Application #	10/501,404
Confirmation #	2650
Filing Date	07/15/2004
First Inventor	WESSELS
Art Unit	3754
Examiner	Ngo, Lien M.
Docket #	P08323US00/BAS

ENCLOSURES (check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Fees calculated below | <input type="checkbox"/> Reply to Missing Parts/Incomplete Application |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Certified Copy of Priority Document(s) |
| <input type="checkbox"/> including Attachment(s) | <input type="checkbox"/> Information Disclosure Statement |
| <input type="checkbox"/> After Final Amendment/Reply | <input type="checkbox"/> Drawing(s) |
| <input type="checkbox"/> including Attachment(s) | <input type="checkbox"/> Terminal Disclaimer |
| <input checked="" type="checkbox"/> Petition to Withdraw Abandonment – No Abandonment in Fact | <input checked="" type="checkbox"/> Copy of Notice |
| <input type="checkbox"/> | <input type="checkbox"/> |

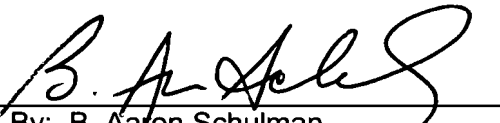
FEES CALCULATION: For claims if required and/or other fees as shown below:

	NOW	Previously Paid For	Present Extra	Rate	\$
<input type="checkbox"/> TOTAL CLAIMS		- 20		X \$ 50 =	
<input type="checkbox"/> INDEPENDENT CLAIMS		- 3		X \$ 200 =	
TOTAL OF ABOVE CLAIMS FEES =					
<input type="checkbox"/> Reduction by ½ for small entity status of applicant				SUBTOTAL =	
<input type="checkbox"/> Fee for extension of time (per attached Petition)					
<input type="checkbox"/> Other fee for					
TOTAL OF ALL FEES =					0

☐ Payment by credit card. FORM PTO-2038 in the amount of \$ is attached.☒ The Director is authorized to charge any fee, additional fee or extension fee due in connection herewith to Deposit Account No. :

- (1) if no payment or an insufficient payment is enclosed and a fee is due in connection herewith; or
(2) if no petition for extension of time is enclosed but an EOT is required - and in this event, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely.

Date: June 13, 2007


By: B. Aaron Schulman
Registration No.: 31,877

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PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER MPEP 711.03(c) & 37 CFR 1.181(a) NO ABANDONMENT IN FACT	Application #	10/501,404
	Confirmation #	2650
	Filing Date	07/15/2004
	First Inventor	WESSELS
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	Examiner	Ngo, Lien M.
	Docket #	P08323US00/BAS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:


A Notice of Abandonment for the above-identified application was mailed on June 5, 2007, which indicated that this application was abandoned by failure to respond to the Office Action mailed January 5, 2007, setting a 6 month period for response. While no response has been filed to date, the 6 month period does not expire until July 5, 2007. Therefore, there was no abandonment in fact and the Notice of Abandonment has been mailed in error.

In view of the fact that there was no abandonment in fact, withdrawing of the holding of abandonment pursuant to MPEP 711.03(c) is requested.

This Petition is filed without fee since no fee is required.

Respectfully submitted,

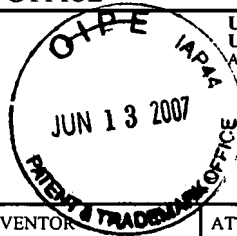
Date: June 13, 2007


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UNITED STATES PATENT AND TRADEMARK OFFICE



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/501,404

07/15/2004

Jacobus Adriaan Wessels

P08323US00/BAS

2650

881 7590 06/05/2007
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RECEIVED

JUN 06 2007

STITES & HARBISON PLLC

EXAMINER

NGO, LIEN M

ART UNIT	PAPER NUMBER
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3754

MAIL DATE	DELIVERY MODE
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06/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

15-2007

COPY

COPY



COPY

Notice of Abandonment

Application No.

10/501,404

Examiner

LIEN TM NGO

Applicant(s)

WESSELS ET AL.

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 1/5/07.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

LIEN TM NGO
Primary Examiner
Art Unit: 3754

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.